

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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ALBERT T. BEANE, JR., individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

07-CV-0944 (RMB)

THE BANK OF NEW YORK MELLON,  
BNY CONVERGEX EXECUTION  
SOLUTIONS LLC and CALLAN  
ASSOCIATES, INC.,

Defendants.

-----x

**PLAINTIFF'S NOTICE OF MOTION TO  
CERTIFY CLASS OF ERISA PLANS**

PLEASE TAKE NOTICE that Plaintiff Albert T. Beane, Jr., will call up for hearing a Motion to Certify Class of ERISA Plans in the above entitled action. In said Motion, Plaintiff will respectfully request that the Court, pursuant to Rule 23 of the Federal Rules of Civil Procedure, enter an Order certifying those ERISA plans described in the pleadings as a class on whose behalf Plaintiff may prosecute this action, along with such other and further relief as this Court deems just and proper.

The proposed Class is defined as:

“ERISA pension plans who retained Callan Associates, Inc. (“Callan”) for pension consulting services and who used BNY ConvergEx Execution Solutions LLC (“BNY Brokerage”), directly or indirectly, for brokerage services from October 1998 through 2006 (the “Class Period”).

The Motion is based on this Notice, the Declaration of Gregory Y. Porter, with annexed exhibits, and Plaintiff's Memorandum of Law submitted in support of the Motion, with supporting Appendix of Exhibits.

DATED: Washington, DC  
This 9th day of May, 2008

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing **PLAINTIFF'S MOTION TO CERTIFY CLASS OF ERISA PLANS** Plans was filed electronically with the Court and served this same day via the Court's ECF notification system upon the following:

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May 9, 2008



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